

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



MAURICE SCOTT,

Plaintiff,

v.

Civil Action No. 3:08CV74

SUSSEX I, STATE PRISON, et al.,

Defendants.

MEMORANDUM OPINION

Maurice Scott, Jr., a Virginia inmate, submitted this action and requested leave to proceed in forma pauperis. A prisoner is prohibited from proceeding in forma pauperis:

if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Scott had at least three actions or appeals that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted. Scott v. Blue Ridge Reg'l Jail Auth., Civil Action No. 7:05-cv-00281 (W.D. Va. Sept. 30, 2005); Scott v. Sussex I State Prison, Civil Action No. 7:06-cv-00369 (W.D. Va. July 6, 2006); Scott v. Mecklenburg Corr. Center, Civil Action No. 7:06-cv-367 (W.D. Va. July 21, 2006). Scott's current complaint does not suggest that Scott is in imminent danger of serious physical harm. Therefore, by Memorandum

Order entered on February 7, 2008, the Court denied Scott's request to proceed in forma pauperis and directed Scott to pay the \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the February 7, 2008 Memorandum Order and Scott has not paid the full filing fee. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Scott.

It is so ORDERED.

_____/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: *April 25, 2008*